

REMARKS/ARGUMENTS

This paper is responsive to the Non-Final Office Action dated February 10, 2005, wherein:

Claims 1, 3-11, 13-30, 33-37, 39-45, 48-52, and 54-56 were pending;

Claims 1, 3-11, 13-30, 33-37, 39-45, 48-52, and 54-56 stood rejected; and

Claims 2, 12, 31, 32, 38, 46, 47, and 53 had been previously cancelled;

No new claims have been added by this response.

Accordingly, claims 1, 3-11, 13-30, 33-37, 39-45, 48-52, and 54-56 remain pending in the present application.

Rejection of Claims under 35 U.S.C. §102

In the present Office Action, Claims 1, 3-11, 13-30, 33-37, 39-45, 48-52, and 54-56 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,408,518, issued to Yunoki (hereinafter, "Yunoki"). While not conceding that the cited reference qualifies as prior art, but instead to expedite prosecution, Applicant has chosen to traverse the claim rejections as follows. The following arguments are made without prejudice to Applicant's right to establish, for example in a continuing application, that the cited reference does not qualify as prior art with respect to a currently or subsequently claimed aspect of the invention.

The present Office Action has maintained the rejection of independent claim 1. This rejection was made with reference to aspects of the cited art that were, to some extent, previously discussed in the Office Action of March 16, 2004. Applicant offers that the renewed rejection does not address Applicant's previous observations on the patentability of the claim with reference to the cited art. The limitations of the pending claims are not present in the cited art, as discussed below. Accordingly, the pending claims are allowable under § 102(b).

Claim 1 has been previously amended for clarification. It includes a limitation of extending a persistent invitation to a network station client to join an **“ongoing” conference call**. This claim limitation, among others, is neither described nor suggested in the cited art.

The timing of the *Yunoki* procedure clearly indicates that the invitations or notifications are *not* made for an “ongoing” conference call. *Yunoki* details a series of chronological steps in a method for establishing a conference call, starting from col. 5, line 13 and running through col. 9, line 12. The *Yunoki* procedure receives a request from a call originating subscriber to establish an upcoming conference call. *Id.* at col. 5, lines 13-17. Invitees are then notified of the upcoming call. *Id.* at col. 5, line 61—col. 6, line 5. If necessary, the originating subscriber may cancel the conference call. *Id.* at col. 6, lines 10-60. After receiving the initial notification of the conference call, invitees are offered opportunities to confirm (col. 7, lines 1-59) or decline (col. 7, line 60—col. 8, line 41) their participation in the conference call.

Only after these initial procedures does the *Yunoki* procedure initiate a conference call. The timing of the notification in *Yunoki* is before the conference call. “A teleconference participant executes processes ... for a teleconference absence notification process, a teleconference cancellation process and a teleconference status confirmation process, at any time after the [teleconference notification] process in ST2 and *before* the process in ST6 (a teleconference run process) on request from a controller.” *Id.* at col. 11, lines 30-37 (emphasis added). Thus, the *Yunoki* notification occurs in advance of the *Yunoki* conference call, rather than during an ongoing conference call.

The cited art further emphasizes that notifications are provided only in advance of a conference call. After a subscriber in *Yunoki* receives a notification of a conference call, the cited art then offers opportunities for confirming or declining a conference call *in advance* of the conference call. “Each teleconference participant can confirm a teleconference status *before* a teleconference run.” *Id.* at col. 7, lines 1-5 (emphasis added). “An invited teleconference participant *who is to be absent* from a teleconference can make a request to the exchange 1 for sending an absence notice.” *Id.* at col. 7, lines 60-62 (emphasis added). Thus, the opportunities to confirm or decline a conference

call occur only in advance of a conference call. Since the notifications discussed in *Yunoki* precede these opportunities to confirm or decline (*id.* at col. 11, lines 30-37), the *Yunoki* notifications also occur only in advance of a conference call.

Yunoki therefore cannot be construed as anticipating claim 1, because the reference does not disclose, and indeed teaches away from, extending a persistent invitation to a network station client to join an “ongoing” conference call. Accordingly, Applicant submits that the present Office Action fails to state a *prima facie* case of anticipation under 35 U.S.C. §102.

Further, claim 1 is directed to a method that includes a limitation of extending a persistent invitation to a network station client to join a conference call “**in response to a determination that**” the network station client is “**unavailable to accept a non-persistent invitation.**” These claim limitations are also neither described nor suggested in the cited art. As previously discussed, the method of claim 1 requires the extension of a persistent conference call invitation to a first network station client in response to, and therefore subsequent to, a determination that the first network station client is unavailable. In the pending Office Action, the Examiner has cited material in *Yunoki* that describes a system for notifying or inviting participants to a conference call, but which does not describe this limitation of claim 1. The Examiner has repeatedly stated that *Yunoki* teaches this limitation of Applicant’s claim. Applicant respectfully submits, however, that *Yunoki* fails to teach this limitation because *Yunoki* does not describe or suggest any action of determining that a network station client is unavailable.

The *Yunoki* system sets forth a specific procedure for scheduling a conference call that does not include the limitations of pending claim 1. The *Yunoki* system “notifies respective teleconference participants of a teleconference” that has been arranged by a sponsor. *Yunoki* at col. 4, lines 38-41. This invitation is extended directly in response to a request by a user—“the call originating subscriber” (*id.* at col. 5, lines 13-15), and not in response to any determination that a network station client is unavailable. Indeed, *Yunoki* does not address a situation where a client is unavailable to accept an invitation. As a result, the notification in *Yunoki* can not be understood as being made in response to such a determination. Accordingly, *Yunoki* fails to disclose a conference call invitation

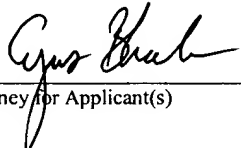
made in response to a determination that a network station client is unavailable to accept a non-persistent invitation.

For these reasons, Applicant respectfully submits that independent claim 1 is allowable over *Yunoki*. Independent claims 11, 24, and 39 are also allowable at least for similar reasons. Claims 3-10 depend directly or indirectly from claim 1. Claims 13-23 depend directly or indirectly from claim 11. Claims 25-30 and 33-37 depend directly or indirectly from claim 24. Claims 40-45, 48-52, and 54-56 depend directly or indirectly from claim 39. Claims 3-10, 13-23, 25-30, 33-37, 40-45, 48-52, and 54-56 are therefore allowable for at least the same reasons, being dependent on allowable base claims. Accordingly, Applicant respectfully requests that the pending rejections to claims 1, 3-11, 13-30, 33-37, 39-45, 48-52, and 54-56 be withdrawn.

CONCLUSION

In view of the remarks set forth herein, the application is believed to be in condition for allowance and a notice to that effect is respectfully solicited. Nonetheless, should any issues remain that might be subject to resolution through a telephonic interview, the Examiner is invited to telephone the undersigned at 512-439-5097.

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P. O. Box 1450, Alexandria, Virginia, 22313-1450, on April 29, 2005.

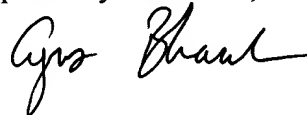


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2005 Apr 29

Date of Signature

Respectfully submitted,



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